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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 000525

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DEPARTMENT FOR SCA/INS, IO/UNP AND DRL
MCC FOR S GROFF, D NASSIRY, E BURKE AND F REID

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TAGS: [PHUM](#) [PREL](#) [PTER](#) [CE](#)

SUBJECT: SRI LANKA: PUSH FOR UN HUMAN RIGHTS MONITORING
MISSION GAINING MOMENTUM

REF: A. COLOMBO 511

- [1](#)B. COLOMBO 475
- [1](#)C. COLOMBO 463
- [1](#)D. COLOMBO 256
- [1](#)E. 2006 COLOMBO 1895
- [1](#)F. 2006 COLOMBO 1765

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

[1](#)1. (C) SUMMARY: In October-November 2006, senior UN officials proposed establishing a UN-sponsored human rights monitoring mission in Sri Lanka. However, the GSL has consistently resisted the idea, most recently citing the existence of the Presidential Commission of Inquiry (CoI) on Human Rights and the Independent International Eminent Persons Group (IIGEP). The CoI has failed to stem the deterioration in the human rights situation, however. Given the continued decline in observance of even minimum standards and the failure of the GSL to take concrete action to address the problems, the Embassy and all major Western diplomatic Missions in Sri Lanka believe the time has come to support a UN human rights monitoring mission in the country. However, public external support for UN human rights monitors at this point would likely trigger a nationalist backlash by the JVP and others that would likely compel the GSL to reject the initiative outright. We instead propose a phased strategy of working with the UN and international partners to persuade senior GSL officials that a UN monitoring mission is in Sri Lanka's interest. The Government may not yield, but support of the USG and others for the monitors concept would at least prompt greater action by the Government on human rights matters. End Summary.

A BRIEF HISTORY

[1](#)2. (C) The proposal for a UN human rights monitoring body in

Sri Lanka originally emerged during the 2003 round of peace talks in Berlin between the GSL and the Liberation Tigers of Tamil Eelam (LTTE), when both sides agreed to the establishment of a UN human rights monitoring mission. However, the idea lapsed when peace talks broke down during the Tokyo round. It resurfaced several times over the course of the following two years, but without real progress toward implementation. In September 2005, then-President Chandrika Kumaratunga, during a trip to New York in the waning days of her tenure, personally asked UN Secretary General Kofi Annan to establish a UN human rights monitoring mission. However, action on the proposal was put off until after the November 2005 presidential election. The idea again receded when Mahinda Rajapaksa was elected on a platform that included substantially renegotiating the CFA and ending the Norwegian facilitation.

¶3. (C) During a February 2006 trip to Sri Lanka, UN Assistant Secretary General for Political Affairs Angela Kane raised

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the issue with several government officials but received a noncommittal-to-negative response from the new Rajapaksa administration (ref D). In October 2006, Phillip Allston, the UN Special Rapporteur on Extrajudicial Killings, again proposed an independent human rights monitoring body for Sri Lanka and received broad support from the EU as well as from NGOs including Human Rights Watch and Amnesty International (ref F). In November 2006, Allan Rock, the UN Special Advisor for Children Affected by Conflict, charged that government forces were complicit in the paramilitary Karuna Group's recruitment of child soldiers and noted the need for UN human rights monitors (ref E).

¶4. (C) The USG has thus far not actively supported the UN's
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call for international monitors, since we wanted to give the Commission of Inquiry a chance to get started and see if this could lead the GSL to take concrete action to address Sri Lanka's human rights problems. The COI began its work in December. But human rights abuses particularly abductions and disappearances and threats to media freedom, have continued unabated and the Government has failed to take any concrete measures to address the situation despite repeated prodding by the Ambassador, senior USG officials such as the Secretary, U/S Burns, A/S Boucher and PDAS Mann.

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HUMAN RIGHTS SITUATION DEMONSTRABLY GETTING WORSE

¶5. (C) Disappearances have risen markedly from mid-2005 onward. The Foundation for Co-Existence (FCE), a Sri Lanka based NGO, reported 218 abductions in 2005, with about half of those coming in the last three months of the year. FCE found that 546 people were abducted in 2006, representing a 250 percent increase in abductions year-to-year. (Note: actual abduction numbers are probably higher than reported because the FCE has limited reach in the North.) On March 20, Ambassador presented a list of 347 abduction cases to the President's Chief of Staff (ref C). On March 29, Foreign Minister Bogallagama and Foreign Secretary Palitha Kohona told Ambassador that most of the people listed were actually in GSL custody (ref A). The GSL has yet to provide us with further details, and has not so far responded to Ambassador's advice to release information about these detentions to the families or the public.

EXISTING GSL INSTITUTIONS ARE INADEQUATE

¶6. (C) None of the groups currently reporting on abductions and other human rights violations has national coverage. UN and NGO representatives point out that there is no Sri Lankan

organization and no international body currently present in Sri Lanka adequately equipped to investigate and assess the extent of the human rights crisis. The Sri Lanka Monitoring Mission is only involved in documenting abuses directly related to Cease-fire Agreement violations. Both international and local NGOs are increasingly subject to intimidation or government restrictions on their access to information and to victims. Likewise, the role the media would otherwise play in checking human rights abuses has been severely curtailed by the GSL intimidation of the media (ref B).

17. (C) The Commission of Inquiry (CoI), with assistance from the International Independent Group of Eminent Persons (IIGEP), has a mandate to investigate a limited number of incidents, including the August 5, 2006 killings of 17 aid workers in Muttur and the September 19, 2006 machete-inflicted deaths of 11 Muslim workers in Ampara. However, in Sri Lanka's long history of setting up Presidential Commissions similar to the CoI to investigate disappearances and other abuses, none of these has ever led to a single prosecution, let alone a conviction. Further, due to deep mistrust of the government, the CoI suffers from a lack of credibility within the Tamil community. Victims' family members are not likely to inform the CoI of abductions for fear of government retaliation. Whatever merits the CoI and the IIGEP possess, their resources and their authority are not adequate to tackle the fundamental issue of the human rights environment in Sri Lanka.

18. (C) Other Sri Lankan government institutions have failed their citizens in their duty to protect human rights. The previous national Human Rights Commission under Radhika

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Coomaraswamy (now UN Special Representative for Children and Armed Conflict) fought courageously to expose, document and prevent abuses. The present Human Rights Commission, appointed directly by President Rajapaksa in circumvention of Sri Lanka's constitutional checks and balances, has degenerated into a virtual apologist for the government, intent on deflecting criticism rather than exercising its statutory control function. Until quite recently, Parliament appeared more concerned with prosecuting the war on LTTE terror, for example, by voting every month to extend the state of emergency while ignoring the known excesses on the part of the security forces. While the UNP-led parliamentary opposition has now become more vocal on this subject (septel), the government's control of parliament makes it unlikely that legislators will be able to intervene effectively in the medium term.

UN MONITORS WOULD HAVE SUBSTANTIAL IMPACT

19. (C) A UN human rights monitoring mission would be able function free of the restraints limiting all other human rights monitoring efforts in Sri Lanka to date. It would be independent of the government, unlike the CoI, and could be trusted by victims' family members. It would not be subject to GSL intimidation, like the Sri Lankan media. It would have sufficient resources to accomplish its mission, unlike the NGO community. It would have a wide enough mandate to investigate the full range of human rights abuses, unlike the SLMM. A truly independent and robust UN monitoring mission would provide both the GSL and the international community with accurate data about human rights abuses that would enable the parties to make accurate policy decisions accordingly.

110. (C) The UN Human Rights office in Sri Lanka at present consists only of one international officer who reports to the Office of the High Commissioner on Human Rights (OHCHR), and two Sri Lankan professional staff members. In a briefing for foreign missions on April 3 attended by DCM, OHCHR Colombo representative Rory Mungoven said the UN hoped to add two

additional international members by summer 2006, but the office staffing would still be inadequate. Mungoven told Pol Chief on March 26 that the monitoring initiative is more urgent than ever as the number of internally displaced persons (IDPs) rises and human rights violations against this especially vulnerable group continue.

¶11. (C) According to Mungoven, it is unlikely that either UN Human Rights Council or the Security Council would pass a resolution on Sri Lanka authorizing a human rights monitoring mission. However, he emphasized that many such missions are not underpinned by a resolution, but are negotiated with the government. This would clearly have to be the case here. While some missions are designed to be fairly obtrusive, others are aimed primarily at strengthening government institutions. Mungoven told us that UN High Commissioner for Human Rights Louise Arbour could not accept an agreement with Sri Lanka that consists solely of technical assistance. It would have to have a robust monitoring and reporting function as well.

GSL OBJECTIONS

¶12. (C) The GSL has consistently objected to a UN human rights monitoring mission. The GSL demonstrated its instinctive aversion to international monitoring during the difficult negotiations over the IIGEP's terms of reference and subsequent interference by the Attorney General's office

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in the functioning of both the CoI and the IIGEP. Further, the GSL has made it a top priority to fend off any Sri Lanka-specific resolution in the Human Rights Council and reacted defensively to discussions of the Allan Rock report in the Security Council working group on children and armed conflict.

¶13. (SBU) In his intervention in the UN Human Rights Council in Geneva on March 12, Minister for Human Rights Mahinda Samarasinghe enumerated the following grounds:

- such a group would violate Sri Lankan sovereignty
- the body might one-sidedly report government violations while ignoring abuses by the LTTE or paramilitaries
- the LTTE will reject the monitoring body, making the exercise futile; and
- the CoI and IIGEP can adequately address human rights concerns in Sri Lanka.

¶14. (C) We believe the GSL's objections to a human rights monitoring mission are misplaced, however. No monitoring mission can be established in Sri Lanka without the GSL's explicit approval. Rather than violating Sri Lanka's sovereignty, establishment of a UN monitoring mission reconfirms it. Any monitoring mission would have to function throughout Sri Lanka, not just in government-controlled territory. It would report on all abuses, regardless of the perpetrators.

¶15. (C) In a meeting with Ambassador on April 3, Tamil National Alliance leader Sampanthan and three other TNA members of Parliament told us categorically the LTTE would not object to the establishment of a UN monitoring mission. When Ambassador pressed the issue, Sampanthan agreed that the monitors would have to be allowed to function in Kilinochchi and the Vanni, not just visit LTTE-controlled areas. A fifth TNA MP who had just returned from the LTTE-held Vanni confirmed this to PolOff on April 4. (Septel will report further on Ambassador's meeting with the TNA.)

STEPS TO BRING GSL ON BOARD

¶16. (C) Embassy recommends against simply announcing our support for UN monitors, whether by ourselves or jointly with other partners. The GSL will not want to hear about this

through the media. Therefore, we propose a phased approach to be worked out in consultation with the UN agencies and our international partners. On April 3, DCM attended a meeting at the Canadian High Commissioner's residence along with ambassadors and DCMs from Germany, EU, Switzerland, Canada, Norway, UK and Australia. The meeting focused on UN High Commissioner for Human Rights Louise Arbour's desire to visit Sri Lanka in July to "gain a firsthand understanding of the human rights situation on the ground and to discuss how the office of the High Commissioner for Human Rights can assist."

Given the deteriorating human rights situation, there was consensus among the attendees for Arbour's visit and for the establishment of a UN human rights monitoring mission. It was agreed that chiefs of mission should privately convey this message to the GSL directly and not, at least initially, through the media. Ambassador and other chiefs of mission would first broach the idea of the international monitoring body to key officials such as the Minister for Human Rights and Resettlement, and the Foreign Minister.

¶17. (C) Ideally, the Arbour visit in July would include the signing of an MoU on rights monitoring with the government. More realistically, the Arbour visit may be just one step in a process by which the international community increases the pressure for a monitoring body by degrees, with the ultimate

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goal of convincing the government that Sri Lanka would benefit from such a move. In the end, the Government may never agree to a Monitoring Mission. But USG and other international support for such a Mission would at least induce the Government to take actions to address its human rights shortcomings so it can credibly argue that an international mission is not needed.

BLAKE